

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

M51-716 US

 First Named Inventor: Zhang  
 Application Number: 09/849,706

 Art Unit: 2142  
 Examiner: Lin / Caldwell

Filed: May 2, 2001

 Title: An Architecture and Related Methods for Streaming  
 Media Content Through Heterogeneous Networks

 Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

 NOTE: If information or assistance is needed in completing this form, please contact  
 Petitions Information at (571) 272-3262.

 The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by  
 the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the  
 period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed  
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

## 1. Petition fee

- ☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 500<sup>00</sup> (37 CFR 1.17(l)).

## 2. Reply and/or fee

 A The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_  
 (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*Emmanuel Rivera*

Signature

*8/25/02*

Date

*Emmanuel Rivera*

Typed or printed name

*45 760*

Registration Number, if applicable

*Suite 500, 421 Riverside Ave*

*509 324 9356*

*Spokane, WA 99201*

Address

Telephone Number

Address

*ext 245*

Enclosure ☐ Fee Payment

☒ Reply *As previously filed*

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

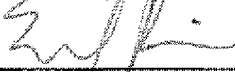
Date

Signature

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Emmanuel Rivera

Typed or printed name

8/25/06

Date

45 760

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Contrary to what is noted in the Notice of Abandonment, a reply was provided ~~with~~ in response to the Office Communication of 11/02/05. The response is provided with this petition, along with the Auto-Reply Fascimile Transmission acknowledging electronic receipt of the response.

(Please attach additional sheets if additional space is needed.)

TO: Fax Sender at 15093238979

Fax Information

Date Received: 11/10/2005 2:04:38 PM [Eastern Standard Time]

Total Pages: 4 (including cover page)

Received  
Cover  
PagePAGE.01

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PBS	JOB#	STATUS
11	11/10	11:06	USPTO	EC--S	01'02"	004	353	OK

Approved for use through 10/31/2002. DMB 0051-0031  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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Application Number: 09/848,706

Filing Date: 5/2/2001

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
 United States Patent and Trademark Office

on 11/10/2005

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*Laurie Morgan*  
 Signature

Laurie Morgan

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1. Fee Transmittal
2. Office Communication

Total pages including cover sheet: 4

MS1-716US  
 (571) 273-8300

Please notify us immediately (509-324-9256) if  
 there is a problem with the quality of this fax.


Burden Hour Statement: This form is estimated to take 0.01 hours to complete. Time will vary depending upon the needs of the individual case.  
 Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark  
 Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,  
 Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Number: 09/848,706

Filing Date: 5/2/2001

## Certificate of Transmission under 37 CFR 1.8

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Date  
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Laurie Morgan

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1. Fee Transmittal
2. Office Communication

Total pages including cover sheet: 4

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(571) 273-8300*Please notify us immediately (509-324-9256) if  
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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4518).

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
0.00**Complete if Known**

Application Number	09/848,706
Filing Date	5/2/2001
First Named Inventor	Qian Zhang
Examiner Name	Kelvin Y Lin
Art Unit	2142
Attorney Docket No.	MS1 0716US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**      **Multiple Dependent Claims**

\_\_\_\_ - 20 or HP = \_\_\_\_\_ x 50 = \_\_\_\_\_      **Fee (\$)**      **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 3 or HP = \_\_\_\_\_ x 200 = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$125 fee (no small entity discount)

Other: \_\_\_\_\_

**SUBMITTED BY**

Signature	Registration No. 45760 (Attorney/Agent)	Telephone (509) 324-9256
Name (Print/Type) Emmanuel A. Rivera		Date 11/10/00

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. ....09/848,706  
Filing Date .....5/02/2001  
Inventorship.....Zhang et al  
Assignee.....Microsoft Corporation  
Group Art Unit.....2142  
Examiner .....Kelvin Y. Lin  
Attorney's Docket No. ....MS1-716US  
Title: An Architecture and Related Methods for Streaming Media Content Through  
Heterogeneous Networks

OFFICE COMMUNICATION

To: Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

From: Emmanuel Rivera (Tel. 509-324-9256; Fax 509-323-8979)  
Customer No. 22801

In response to the Office Communication of November 2, 2005, please find  
a revised Content of Brief section indicating no Evidence Appendix (section 9 or  
ix) and no Related Proceedings Appendix (section 10 or x).

<u>Appeal Brief Items</u>	<u>Page</u>
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(10) Related Proceedings Appendix	None